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STREETS BY-LAW

86-77

THIS CONSOLIDATION OF THE BY-LAW IS
PREPARED FOR CONVENIENCE ONLY, FOR
ACCURATE REFERENCE PLEASE CHECK
ORIGINAL BY-LAW

Bill No. **D-45**

The Corporation of the City of Hamilton

By-law No. 97-*162*

To Amend:

By-law No. 86-77
The Streets By-law

Respecting:

PANHANDLING

WHEREAS paragraph 140, Section 210 of the Municipal Act, R.S.O. 1990, Chapter M.45 authorizes municipalities to enact by-laws to regulate public nuisances;

AND WHEREAS Section 102 of the Municipal Act allows that every council may pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by the Municipal Act as may be deemed expedient and are not contrary to law;

AND WHEREAS the Council of the City of Hamilton deems it necessary to ensure citizens reasonably unencumbered access to pedestrian walkways within the City of Hamilton;

AND WHEREAS Council, on Thursday, 1997 August 7th, in adopting Section One of the Seventeenth Report for 1997 of the Finance and Administration Committee authorized this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

Section 16 of By-law No. 86-77 is amended by the addition of the following subsections:

(12) 12.1 For the purposes of this subsection:

(a) "*cease*" means to stop or bring to an end.

(b) "*congregate*" means to gather into a group of more than one person.

(c) "*obstruct*" means to interfere with or make difficult of passage.

(d) "*officer*" means a sworn member of the Hamilton-Wentworth Regional Police Service or a municipal by-law enforcement officer appointed by the City of Hamilton.

General:

12.2 No person shall congregate and sit or stand so as to obstruct the free passage of either pedestrian or vehicular traffic on any streets or sidewalks regulated by this By-law.

12.3 Any person who obstructs pedestrian or vehicular traffic on a sidewalk or street shall, when directed to do so by an officer, cease such obstruction.

Exclusions:

12.4 Any parade, festive occasion or other event approved by the City of Hamilton shall be excluded from the provisions of this subsection.

Enforcement:

12.5 Sworn members of the Hamilton-Wentworth Regional Police Service and municipal by-law enforcement officers of the City of Hamilton are authorized to enforce the provisions of this by-law.

(13) 13.1 For the purposes of this subsection, "aggressive panhandling" means:

(a) approaching, speaking to or following a person for the purpose of entreating or urging that person to give money, in such a manner as would cause a reasonable person to fear bodily harm or harm to property on the person's immediate possession;

(b) touching a person without their consent while panhandling from such person;

(c) repeatedly panhandling from a person, or following a person after a person has made a negative response; or

(d) panhandling by standing, sitting or otherwise in such a manner so as to intentionally block, obstruct or interfere with the safe passage of pedestrians or vehicles, including unreasonably causing a person or vehicle to take evasive action to avoid physical contact.

13.2 No person shall aggressively panhandle on any streets or sidewalks regulated by this by-law.

13.3 No person shall solicit money from any pedestrian by panhandling on any streets or sidewalks regulated by this by-law in such a manner as to interfere with the ability of pedestrians to enter business establishments located on such streets.

PASSED this 7th day of August 1997.

CITY CLERK

MAYOR

Bill No. A-71

The Corporation of the City of Hamilton

BY-LAW NO. 96-205

To Amend

By-law No. 86-77

TO REGULATE USAGE OF HEDGES, SHRUBS AND PLANT MATERIAL ON ROAD ALLOWANCES

WHEREAS Subsection 308(3) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, authorizes the council of every municipality to pass by-laws for placing or permitting any person under such conditions as may be agreed upon to place, construct, install, maintain, and use objects in, on, under or over highways under its jurisdiction, to permit any person to make, maintain and use areas under and openings in the highways, for prescribing the terms and conditions upon which the same are to be placed, constructed, installed, maintained or used and for making such annual or other charge for the privilege conferred by the by-law as it considers reasonable;

AND WHEREAS Subsection 314(1) of the Municipal Act, R.S.O. 1990, c. M.45 as amended authorizes the councils of all municipalities to pass by-laws for prohibiting or regulating the obstructing, encumbering, injuring or fouling of highways or bridges;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 9329 on the 9th day of May, 1961, being the Streets By-law, to regulate, among other things, the planting of trees and shrubs along the boulevards and road allowances in the City of Hamilton;

AND WHEREAS By-law No. 86-77 was enacted on the 25th day of February, 1986 to consolidate the Streets By-law No. 9329;

AND WHEREAS By-law No. 88-244 was passed on the 5th day of October, 1988 to amend By-law No. 86-77 on the planting of trees and shrubs on boulevards and the road allowance;

AND WHEREAS By-law No. 88-244 was repealed by By-law No. 92-155;

AND WHEREAS City Council, on July 9, 1996, in adopting Section 12 of the 10th Report of the Transport and Environment Committee authorized this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (1) Paragraph (d) of Section 1 of By-law No. 86-77 is amended by deleting paragraph (d) and substituting in lieu,

(d) "Director of Public Works" shall mean the "Commissioner of Public Works and Traffic".

(2) Paragraph (e) of Section 1 of By-law No. 86-77 is further amended by deleting paragraph (e) and substituting in lieu,

(e) "Traffic Commissioner" shall mean the "Commissioner of Public Works and Traffic".

2. By-law No. 86-77 is amended by the addition of the following Section:

OWNERS OF LAND MAY PLANT HEDGES AND SHRUBS

5. (1) Hedges, shrubs and other plant material may be permitted on the boulevard of the highway provided that any such hedge, shrub or other plant material situated within the highway

(i) shall not create an obstruction to traffic using the highway;

(ii) shall be maintained by the owner of the land abutting the highway at not higher than 76 cm or 30 inches in height;

(iii) shall not overhang the sidewalk, shoulder or roadway;

(iv) shall maintain a minimum clearance of 0.6 metres or 2 feet from a fire hydrant, and

(v) shall not obstruct the view of a fire hydrant from the road.

(2) Where an owner of land abutting a highway has planted a tree on the boulevard of a highway, the tree shall be pruned to the trunk for the first 2.4 metres or 8 feet by the Department of Public Works and Traffic.

PASSED this *10th* day of *December* , 1996.

CITY CLERK

MAYOR

(1996) 10 R.T.E.C. 12, July 9

Bill No. *A-40*

The Corporation of the City of Hamilton

BY-LAW NO. 96-*122*

To Amend:

Streets By-laws No. 86-77

Respecting:

TEMPORARY HIGHWAY CLOSURES FOR EVENTS

WHEREAS the Council of The Corporation of the City of Hamilton has enacted "The Streets By-law" No. 86-77, on the 25th day of February 1986;

AND WHEREAS the Municipal Act, R.S.O. 1990, c. 45, section 207(44) states as follows:

"**207.** By-laws may be passed by the councils of all municipalities:

44. **Temporary closing of highway.** -- For closing to vehicular traffic on a temporary basis for such period as shall be specified in the by-law, any highway under the jurisdiction of the council for such social, recreational, community, athletic or cinematographic purpose, or combination of such purposes, as may be specified in the by-law and for authorizing a committee of council or a municipal officer or employee, subject to such conditions as council may impose, to exercise any of the powers of council under this paragraph.

(b) A by-law under this paragraph may prohibit the use, except for pedestrian traffic, of the highway or portion of the highway so closed during the period of closure except under the authority of a Permit issued under the by-law upon such terms and conditions, including such fee for the Permit, as may be set out in the by-law."

AND WHEREAS the Municipal Act, R.S.O. 1990, c. 45, section 207(44)(a) provides that clauses (a) and (b) below, with necessary modifications, apply where closures of highways on a temporary basis to vehicular traffic are authorized pursuant to section 207 (44) of the Municipal Act:

(a) Where a highway or portion thereof is closed by by-law under this paragraph, the municipality shall provide and keep in repair a reasonable temporary alternative route for traffic and for all property owners who cannot obtain access to their property by reason of such closing.

(b) While a highway or portion thereof is so closed to traffic, there shall be erected at each end of such highway or portion thereof, and where an alternative route deviates therefrom, a barricade upon which an adequate warning device shall be exposed and in good working order continuously from sunset until sunrise and at such points there shall be erected a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic.

AND WHEREAS it is desirable to amend the said Streets By-law to provide for the matters referred to in section 207(44) as hereinafter provided;

AND WHEREAS Council at its meeting held on May 14, 1996, in adopting Item 27 of the 7th Report of the Transport and Environment Committee, resolved to amend the Streets By-law as follows.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 86-77 is amended by adding thereto the following definitions to section 1,

(f) "Chief of Police" means the Chief of Police for the Regional Municipality of Hamilton-Wentworth;

(g) "Fire Chief" means Chief of the Fire Department of the City of Hamilton;

(h) "motor vehicle" means motor vehicle as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended.

2. By-law No. 86-77 is amended by adding thereto the following provision as section 6.1:

6.1 (1) In this section,

(a) "social, recreational, community, athletic or cinematographic purposes" shall be deemed to include the following events:

(i) bicycle races;
(ii) bicycle rides for charity;
(iii) film making and television productions;
(iv) hay rides;
(v) music festivals;
(vi) parades and processions regulated pursuant to By-law No. 75-42
(vii) religious ceremonies;
(viii) running races;
(ix) soap box derbies;
(x) street dances;
(xi) street festivals - jugglers, magicians, etc.,
(xii) walk-a-thons;

(b) the phrase, closure on a temporary basis, means a closure for a period or periods of time totalling less than thirty six hours and comprising no single period of closure in excess of 12 consecutive hours to a maximum of twenty-four hours closure within any forty-eight hour period;

(2) Except where otherwise lawfully permitted, a highway shall not be closed in whole or in part to vehicular traffic on a temporary basis and used for social, recreational, community, athletic or cinematographic purposes except under the authority of a Permit issued under this section upon the terms and conditions, including such fee for the Permit, as may be set out in this by-law.

(3) **Committee.** A special committee of Council is hereby established to be known as the Highway Temporary Closures Committee. The Secretary of the Committee shall be the City Clerk or the Clerk's designate. This Committee shall be comprised of the following elected officials and decisions may be made by any three members of the Committee:

(a) the Mayor, (or Acting Mayor);
(b) the Chairman of the Transport and Environment Committee, (or Vice Chairman); and
(c) the Aldermen of the Ward within which a highway is intended to be temporarily closed to vehicular traffic.

(4) (a) Applications to close a highway in whole or in part on a temporary basis to vehicular traffic for the social, recreational, community, athletic or cinematographic purposes listed below shall be under the jurisdiction of the Transport and Environment Committee for recommendation to Council:

(i) events involving the sale and/or consumption of alcohol;
(ii) events involving gambling;
(iii) motor vehicle and motorcycle races;
(iv) events with aircraft, including passenger balloons and parachutes;
(v) events within the downtown area bounded by Bay, York, Wilson, Wellington and Main Streets;
(vi) events taking place in more than one ward;

(b) **Delegation of Authority.** Subject to subsection (a) above, the power of Council to authorize the closing of highways in whole or in part on a temporary basis to vehicular traffic for social, recreational, community, athletic or cinematographic purposes is hereby delegated to the said Highway Temporary Closures Committee, pursuant to the Municipal Act, [R.S.O. 1990, c. M.45, s. 207(44)];

(c) Applications for closure of a highway to vehicular traffic shall not be approved pursuant to this by-law where the closure is for a period longer than "on a temporary basis" or the closure is for other than social, recreational, community, athletic or cinematographic purpose, or combination of such purposes.

(5) (a) An application for closing a highway in whole or in part on a temporary basis to vehicular traffic for an event may be,

(i) approved, subject to the conditions herein together with such other conditions of approval which may reasonably be required as a condition of approval; or

(ii) denied, or

(iii) where an application is under the jurisdiction of the Highway Temporary Closures Committee, as an alternative to (i) or (ii) above, the special Committee may refer the application to the Transport and Environment Committee for consideration and recommendation to Council;

(b) No decision shall be made by the Highway Temporary Closures Committee until,

(i) the applicant has submitted an application to the City;

(ii) the applicant has paid an application fee at such rate as Council may require from time to time; and

(iii) the Committee has received the appropriate staff report and recommendation on the application;

(c) All decisions of the Highway Temporary Closures Committee shall be reported to the Transport and Environment Committee for the information of that Committee;

(d) **Appeals.** A decision of the Highway Temporary Closures Committee under this section may be appealed by the applicant to the Transport and Environment Committee for its recommendation to Council, provided the applicant submits a Notice and grounds of appeal in writing to the Secretary of the Transport and Environment Committee.

(6) The closure and occupation of a highway for a greater area or for a longer period of time than may be necessary in the opinion of the Committee, having regard to the nature of the proposed purpose and the safety and convenience of the public, shall not be approved. Events upon a highway in a residential area shall be restricted to the period between 8:00 a.m. and 11:00 p.m. unless otherwise permitted as a condition of approval.

(7) All closures of highways in whole or in part on a temporary basis to vehicular traffic, approved by the Highway Temporary Closures Committee or Council, as the case may be, shall be subject to the conditions in this by-law and to additional specific conditions of approval, if any.

(8) (a) **Application.** Every application for a closure of a highway in whole or in part, to vehicular traffic on a temporary basis, shall be submitted to the City and shall include the following minimum information:

- name and street address of applicant (event sponsor) and the mailing address, (if different) ;
- charitable registration number of applicant, (if any), from Revenue Canada;
- name and contact address of applicant's agent or representative;
- proposed location(s) of the portion(s) of highway(s) to be closed on a temporary basis to vehicular traffic;
- proposed hours and date(s) of closure of highway to vehicular traffic;
- specific nature of proposed event;
- proposed hours and date(s) of event;
- where applicable, number of estimated participants and number of estimated spectators;
- the fees or charges (if any) intended to be received by the applicant from participants in the proposed event or from members of the public.

(b) The application shall be reviewed, circulated for comments to the appropriate departments and public agencies and a recommendation on each application shall be made for a decision:

(9) Application Fees. Every applicant shall pay such application fee at such rate as may be prescribed from time to time by Council. Council may set fees for the following classes of applicants:

(i) applications by a commercial organization, (including non profit companies comprised of commercial organizations);

(ii) applications by a charitable organization registered as a charity with Revenue Canada, or by a board or commission as defined in the Municipal Affairs Act;

(iii) applications by a person not within either of the above two groups.

(10) **Agreement to cover costs and indemnify City.**

(a) Every applicant shall, prior to the issuance of a Permit, enter into a Licence Agreement with and satisfactory to the City in accordance with the conditions of approval, in respect of the temporary closing and the proposed event, regarding the standard and additional specified conditions, (if any), of approval, including, the following minimum conditions:

(i) the area of the highway to be closed on a temporary basis, the hours and date of such closure, the purpose of the closing, ie social, recreational, community, athletic or cinematographic purpose, and the nature of the proposed event;

(ii) payment of application fee for this privilege at such rate as may be fixed by Council from time to time;

(iii) set up, maintenance, dismantling and clean up of applicant's equipment, including clean up of the highway;

(iv) reimbursement of the City for any costs incurred or to be incurred by the City as a result of such occupation and the deposit with the City the estimated amount of such costs prior to issuance of the Permit;

(v) indemnification of the City, Regional Police, The Regional Municipality of Hamilton-Wentworth, and any board, commission or utility from any action, claim, damage, or loss whatsoever which may be sustained as a result of the applicant's event, arise from closing of the highway to traffic, issuance of the Permit or from the occupation of the highway thereunder;

(vi) where the applicant is not incorporated, the licence agreement shall be signed by not less than two persons who shall assume the obligations in the licence agreement in favour of the City.

(b) In addition, as a condition of approval, an applicant may be required to provide the following, (details of which shall be included in the said Licence Agreement):

(i) payment of cash or letter of credit satisfactory to City, as security that conditions of approval will be fulfilled, including clean up of highway and that expenses incurred by the City shall be paid;

(ii) agreement of a bonding company acceptable to the City and licensed to carry on business in Ontario, in such sum as may be required, to indemnify and save harmless the City, from any and all actions, claims, damages and loss whatsoever, arising from such use of the highway;

(iii) a consent and waiver from owners of adjoining lands of all claims against the City for any damages which may result, whether directly or indirectly, from such closure and use of that part of the highway, which shall be filed with the City before the Permit is issued;

(iv) such other conditions as may reasonably be required in the opinion of the Committee or Council, as the case may be.

(11) **Insurance.** Every applicant shall, prior to issuance of a Permit, obtain and file with the City, a Comprehensive General Liability, Property Damage, Bodily Injury insurance in the amount of $2,000,000.00, (or such larger amount as may be required as a condition of approval), covering the activity -- with a company and in a form satisfactory to the City, in the name of the applicant and providing The Corporation of the City of Hamilton and The Regional Municipality of Hamilton-Wentworth as additional insured, subject to cross liability and severability of interest provisions.

(12) **Issuance of Permit.**

After an application is approved, a Permit shall not be issued for an event until the following matters have been completed and/or received as required from the applicant:

(a) evidence satisfactory to the City of compliance with the conditions in this provision and the conditions of approval, if any, specified in the decision, including in particular, the filing of a Certificate of the required Insurance and entering into the indemnification agreement;

(b) a declaration confirming that owners, tenants, or occupants of premises adjacent to City highway intended to be closed have been notified of the intended closure of the highway to vehicular traffic and of the proposed event, including their respective times and details;

(c) evidence of approval from the Chief of Police or his designate, to the closure and that such special duty police officers as may be deemed necessary by the Chief of Police will be provided at the applicant's expense.

(13) **Terms of Permit**

(a) Every Permit shall indicate which part of the highway may be so used, during what period of time, and every Permit shall be during the pleasure of the City, subject to cancellation at any time by the Highway Temporary Closures Committee;

(b) A permit issued under this by-law is not transferable. The City reserves the right to require the applicant to fulfill such additional conditions of approval as may be specified at any time.

(c) **Cancellation of Permit.** In case of emergency or where it is believed that the applicant is or will be in breach of any condition of the Permit or that an unsafe or hazardous condition has or is about to arise, the Highway Temporary Closures Committee, staff, or any police officer, may, at any time, require an applicant to cease activities covered by the Permit in whole or in part for such period(s) as may be directed.

(14) **Closure of highway to vehicular traffic on temporary basis.**

After a Permit is issued hereunder, staff,

(a) is authorized to and shall take steps necessary to prohibit vehicular traffic in order that the said highway or that portion of it being so closed, shall be temporarily closed and, for that purpose to cover such traffic signs and parking meters as may be necessary to give effect to the approved closure of the highway to vehicular traffic;

(b) shall immediately forward a copy of the approved decision, the additional specified conditions of approval if any, and the Permit, to the appropriate departments and agencies, including, the Ward Aldermen;

(15) **Standard Conditions of Approval.** All closures of highways to vehicular traffic on a temporary basis for an event are subject to the applicant fulfilling each of the following standard conditions of approval:

(a) **Notice.**

(i) Prior to the issuance of the Permit, that all property owners and tenants adjacent to the highway intended to be closed on a temporary basis be notified by the applicant of the temporary highway closing and the proposed event, in a form and at date(s) satisfactory to the City. Such notification shall not be less than a full fourteen day's notice prior to the event;

(ii) such other Notice to the public on such dates, in such form and in such media as may reasonably be required in the opinion of the City;

(iii) wherever an applicant recognizes or credits in any form of media, contributors whose assistance made the event possible, the applicant shall include the City among those credits.

(b) **Admission Charges.** That the applicant shall not collect any admission charges except when expressly permitted in the City's decision;

(c) **Consent of Participant.** That prior to the event, where the event is a race or other competitive athletic event or sport, the applicant shall obtain from each participant a Release, Waiver and Indemnity of the City from any and all claims resulting from the event, satisfactory to the City and file such Releases with the City;

(c) **Alternative Route.**

(i) That no property owner or resident adjacent to the highway closed to vehicular traffic shall, because of the temporary highway closing and the event, be denied access by foot to their property. Further, the applicant shall take all reasonable action required to ensure the safety of and minimize interference with owners, tenants, and occupants of adjoining properties;

(ii) That where a highway or portion thereof is so closed, the applicant shall provide and keep in repair within the portion of the highway closed to vehicular traffic, to the extent required, a reasonable temporary route satisfactory to staff for the use of emergency vehicles and for all property owners to obtain pedestrian access to their property;

(Note: The Municipal Act states that, with necessary modification, "Where a highway or portion thereof is closed by by-law under this paragraph, the municipality shall provide and keep in repair a reasonable temporary alternative route for traffic and for all property owners who cannot obtain access to their property by reason of such closing." Municipal Act, R.S.O. 1990, c.45, section 207(44)(a)

(d) **Supervision, Inspection, and Inspection Fees.** That all temporary closings be carried out under the direction of and satisfactory to staff; the applicant shall not in advance or during the event erect any traffic or parking signs upon or adjacent to the highway.

(e) **Other By-Laws.** That the applicant comply with the other by-laws of the City and the Region, including The Noise Control By-law and the bylaw titled, The City of Hamilton Licensing Code.

(f) **Other Requirements.** That the applicant comply with such other conditions that may be specified in writing as a condition of approval and such additional conditions that may be required in writing or verbally by the City before or during the event;

(g) **During the temporary closing of highway.**

(i) That the applicant use only the permitted part(s) of a highway in accordance with the terms of the Permit, the conditions of approval and provisions of this By-law.

(ii) That regular reports shall be given by the applicant to the City of the progress of compliance with conditions for the event and subsequently, restoration of the highway;

(iii) That the temporary closings be carried out in a proper workmanlike manner, with all property precautions and safety measures for the protection of public and private property, including maintenance of all necessary warning lights and watchmen, all under the direction and to the satisfaction of staff;

(iv) That the applicant not allow any portion of the event, including spectators, participants, vehicles, partitions, barricades, signs, or other equipment used in connection with the event, to block any fire hydrants, access/egress ramps, snow and garbage removal, or interfere with the installation, maintenance, or repair to any plant or equipment of the City, The Regional Municipality of Hamilton-Wentworth or any other utility in the City highway .

(v) That the applicant not allow any of the applicant's event, its participants, spectators or equipment, to impede emergency vehicles;

(vi) **Barricades and Detour Signs.** That prior to and during the closure of the highway to vehicular traffic, the City shall erect and maintain sufficient warning signs and devices to adequately warn the public of the occupation and obstruction of the highway, at each end of the highway or portion thereof so closed to traffic, and where an alternative route deviates therefrom, a barricade upon which an adequate warning device shall be exposed and in good working order continuously (except during full daylight), and at such points shall be erected detour signs indicating the alternative route and containing a notice that the highway is closed to traffic.

All barricading, temporary highway closure signs, detour signs warning signs and devices, including labour and materials for their construction, erection, maintenance and removal, shall provided by and at the expense of the applicant and the applicant shall pay the City those costs.

(vii) That all barricading, detour signing equipment and other property of the applicant and traffic control be subject to the direction of the Chief of Police or his/her designate;

(ix) That if it is necessary for the City to relocate, remove or alter the signs, barricades or other equipment or property of the applicant for any reason whatsoever, either before, during or after the event, the applicant shall re-imburse the City against such costs and against any loss, cost or damage arising from such work;

(x) That the applicant comply with all other provisions of the Streets By-law and obtain all other applicable approvals to the temporary closing and the event;

(h) **After event.** That the applicant, at its expense, carry out clean up operations immediately after the event to restore the highway to as good condition as before as expeditiously as possible and before re-opening of the highway(s) to vehicular traffic.

The applicant, upon demand, after the event, pay to the City all costs incurred by the City pursuant to this by-law in excess of the cost pre-estimate monies or security already received by the City, (if any).

(16) In the event of non-compliance with the provisions herein, by any person, an Order to Comply may be issued and served upon such person, by,

(a) the City Clerk or any authorized by-law enforcement officer for the City; or

(b) the Chief of the Fire Department, or the Chief Fire Prevention Officer, or any Officer or Inspector of the Fire Department; or

(c) the Chief of Police or any other police constable.

(17) Every person to whom an Order to Comply is issued, or upon whom an Order to Comply is served, shall, forthwith, take such steps as are necessary to comply with the Order within the time provided for compliance.

(18) Where any holder of a permit fails to comply with an Order to Comply issued pursuant to this by-law, in addition to any other remedy or penalty under this by-law, the City may immediately revoke their permit and shall forthwith cause them to be served with a written notice of such revocation and upon service of the notice of revocation the permit holder shall forthwith surrender the permit to the City.

2. This by-law comes into force and effect on the date of its passing and enactment in respect of all applications submitted to the City on or after the said date.

3. Except as amended herein, Streets By-law No. 86-77 is hereby confirmed.

PASSED this *9th* day of *July* A.D. 1996

Acting CITY CLERK

Acting MAYOR

The Corporation of the City of Hamilton

By-law No. 94 - *016*

To Amend Streets By-law No. 9329

As Consolidated by By-law No. 86-77

Respecting

SNOW AND ICE ON HIGHWAYS

WHEREAS City Council, on February 8, 1994, in adopting Item 13 of the 2nd Report of the Transport and Environment Committee authorized an amendment to subsection 5 of Section 7 of By-law No. 86-77;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 7 of By-law No. 86-77 is repealed and replaced by the following:

   "5. No person shall throw, place, bring or deposit snow or ice or slush onto the travelled portion of any highway or obstruct drainage to any drain or sewer or obstruct access to any fire hydrant."

PASSED this *8th* day of *February* 1994.

CITY CLERK

MAYOR

(1994) 2 R.T.E.C. 13, February 8

Bill No. A-3

The Corporation of the City of Hamilton

BY-LAW NO. 93- *003*

To Amend:

Streets By-law No. 86-77

Respecting

SIGNS

WHEREAS the uncontrolled posting of signs and notices on utility poles on the highway creates a safety hazard for City employees and a potential traffic hazard;

AND WHEREAS the posting of signs and notices creates an aesthetic and visual blight;

AND WHEREAS the City provides kiosks for the public to affix signs in certain parts of the City;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 16a. of By-law 86-77 is repealed and the following is substituted in lieu:

16a. (1) No person shall erect or place or affix a sign or post a notice on property abutting a highway or part of a highway except in accordance with this section.

(2) Any person posting a sign or notice shall follow the directions of the Director of Public Works.

(3) Signs or notices shall be fastened with adhesive tape. No person shall fasten the sign or poster on a utility pole with staples or any metal device.

(4) The person posting the sign or notice shall remove the sign or notice and all posted materials five days after the event advertised has occurred.

(5) No sign or notice which exceeds the dimensions of eleven (11) inches wide by seventeen (17) inches long shall be posted.

(6) For the purposes of this by-law, "sign" does not include a sign that is free standing and on its own supports.

PASSED this *12th* day of *January* , A.D. 1993.

City Clerk Mayor

(1993) 1 R.T.E.C. 24, January 12

Bill No. B-77

The Corporation of the City of Hamilton

BY-LAW NO. 88-244

To Amend:

Streets By-law No. 9329

Respecting:

TREES AND SHRUBS

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 9329 on the 9th day of May, 1961, being the Streets By-law, to regulate, among other things, the planting of trees and shrubs along the boulevards and road allowances in the City of Hamilton;

AND WHEREAS By-law No. 86-77 was passed on the 25th day of February, 1986 to consolidate the Streets By-law No. 9329 as amended to date;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 4(a) of the Eighth Report of the Transport and Environment Committee at its meeting held on the 10th day of May, 1988, directed that By-law No. 9329 (as consolidated by By-law No. 86-77) be amended further with respect to the planting of trees and shrubs on the boulevards and road allowances in the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (1) Section 5(2) of By-law No. 9329, as consolidated by By-law No. 86-77, is further amended by adding thereto the following subsection:

(b) Owners of Land May Plant Shrubs. Subject to subsection (3)(bb), any owner of land abutting on a highway may plant hedges and shrubs and other plant material upon that portion of the highway upon which his or her land abuts and which has been set apart for the purpose of a side-boulevard.

(2) Section 5(2) of By-law No. 9329, as consolidated by By-law No. 86-77, is further amended by inserting after the numeral (2) the letter (a).

2. Section 5(3) of By-law No. 9329, as consolidated by By-law No. 86-77, is amended by adding thereto the following subsection:

(bb) 1. No hedge or shrub or other plant material that is planted within 10 feet of a public sidewalk or curb or edge of a roadway shall be permitted to exceed 30 inches in height.

2. No hedge or shrub or other plant material shall be so planted, or permitted to grow to such an extent, that it overhangs the sidewalk, shoulder or roadway.

3. Section 5 of By-law No. 9329, as consolidated by By-law No. 86-77, is further amended by adding thereto the following subsection:

(10) Pruning. Every person who plants a tree or trees on a side-boulevard within 10 feet of a public sidewalk, curb, or edge of a roadway shall prune the tree or trees to the trunk for the first 8 feet above the ground.

4. In all other respects, section 5 of By-law No. 9329, as consolidated by By-law No. 86-77, is hereby confirmed, unchanged.

5. (1) Section 9(2) of By-law No. 9329, as consolidated by By-law No. 86-77, is amended by adding after the word "hedge" in the sixth line, the following:

shrub, tree, or other plant material,

(2) Section 9(3) of By-law No. 9329, as consolidated by By-law No. 86-77, is amended by adding after the word "hedge" in the second line, the following:

shrub, tree or other plant material,

(3) In all other respects, section 9 of By-law No. 9329, as consolidated by By-law No. 86-77 is hereby confirmed, unchanged.

PASSED this *25th* day of *October* A.D. 1988.

City Clerk Mayor

(1988) 8 R.T.E.C. 4a, May 10

CERTIFIED A TRUE COPY

DEPUTY CITY CLERK

CA4 ON HBL 1008
B91
1986

02/25/86
Bill No. B-15

The Corporation of the City of Hamilton

BY-LAW NO. 86- 77

To Consolidate:

STREETS BY-LAW NO. 9329

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

DEFINITIONS

1. In this by-law,

(a) "City" means The Corporation of the City of Hamilton;

(b) "Commissioner of Engineering" means the Commissioner of Engineering of The Regional Municipality of Hamilton-Wentworth;

(ba) "Commissioner of Transportation" means the Commissioner of Transportation of The Regional Municipality of Hamilton-Wentworth;

(c) REPEALED. By-law No. 82-153, S.2.

(ca) "highway" means a common and public highway and includes a street, sidewalk, boulevard whether or not paved, and a bridge forming part of a highway or on, over or across which a highway passes and any portion of the land situate between street lines;

(d) "Director of Public Works" means the Director of Public Works of the City;

(e) "Traffic Commissioner" means the Director of Traffic Services of the City. By-laws Nos. 79-106, S.2; 81-127, S.1; 81-166, S.1; 85-160; S.1.

2. (1) REPEALED. By-law No. 82-153, S.3.

(2) Enforcement. In default of the doing of any matter or thing by any person required by the provisions of this by-law to do it, such matter or thing shall be done at his expense, and the expense incurred in doing it shall be recovered by action, or in like manner as municipal taxes.

(3) Power to Restrain by Action. Where any provision of this by-law is contravened, such contravention may, in addition to any other remedy and to any penalty which may be imposed, be restrained by action at the instance of a ratepayer or the City Corporation or a local board.

RECORD OF THE HIGHWAYS AND NUMBER OF BUILDINGS

3. (1) Street Names. The Planning and Development Committee of the City is authorized to recommend to the City Council from time to time, names for unnamed highways, and names for highways the names of which are desired to be changed. By-law No. 82-153, S.4.

(2) Street Name Signs. The Traffic Commissioner is authorized and directed to affix at the corners of highways, on public or private property, highway name signs of such type and to such number as may from time to time be authorized by the City Council, and to maintain the same in proper condition. By-law No. 82-153, S.7(1).

(3) Record of Highways and of the Numbers of Buildings. The Planning and Development Committee of the City is authorized to recommend to the Assessment Commissioner the numbers for buildings, and the last revised assessment roll shall be the record of the highways with boundaries and distances as required by The Municipal Act to be kept for public inspection. By-law No. 82-153, S.4.

(4) Affixing Numbers to Buildings. The Building Commissioner shall, upon the issuing of each building permit for the erection or for the removal to a new location of any building or structure, deliver to the person receiving the building permit a number sign of such type as may from time to time be authorized by the City Council, and corresponding to the number assigned in the last revised assessment roll, for affixing to such building or structure, and in default of any such number sign being so affixed within a reasonable time, or in the event of its removal, the Building Commissioner is authorized to affix the same or a like sign, and the amount of the expenses incident thereto may be entered by the City Clerk in the collector's roll and collected in the same manner as taxes, or, if paid by the occupant of the premises, the same may, (subject to any agreement between him and the owner), be deducted from the rent payable to the owner.

(5) Changing Numbers. Whenever it becomes necessary to change the numbers for buildings on any highway, and they are so changed in the assessment roll, the owners and occupants of all such buildings shall be certified forthwith, or beforehand if possible, and new number signs shall be supplied by the Building Commissioner, and the postal authorities shall similarly be notified at as early a date as possible, by the City Clerk; and in default of any such new number sign being affixed, the same may be affixed by the Building Commissioner with the results provided in subsection 4.

BOULEVARDS

4. (1) Parts of Highway Set Apart as Boulevards. All such parts of the highways as are situated between the curb or edge of the roadway and the nearest street line, exclusive of the area covered by sidewalk or pavement, and all planted strips between the two roadways of a divided highway, are hereby set apart for the purpose of boulevards and may be known and referred to as such; and the former may be known and referred to as "side-boulevards" and the latter as "middle-boulevards", and a side-boulevard which adjoins the limit of the highway may be known and referred to as an "inner side-boulevard", and the one which adjoins the curb or edge of the roadway, as an "outer boulevard".

(2) Abutting Owners May Maintain Side-Boulevards. Subject to the provisions of this by-law respecting trees on highways, and subject to the provisions of other by-laws respecting public works and obstructions to the view of drivers at intersections, an owner of land abutting on a highway may at his own expense maintain in grass, flowers and trees, that part of any side-boulevard immediately opposite his land, but not so as unreasonably to confine, impede or incommode public traffic.

(3) Prohibitions. No person shall,

(a) wilfully injure any planted boulevard, or walk upon it if there be any crossing within reasonable distance; or

(b) cause or permit any horse, mule, pony or vehicle to be upon any planted boulevard; or

(c) cause or permit any hedge or other obstruction to the clear view of drivers of vehicles, to be upon side-boulevards within thirty feet of the limit of any intersecting highway.

TREES

5. (1) The Director of Public Works is hereby authorized to supervise the planting, trimming and removal of trees growing in the highways, and the trimming of trees planted upon a highway or upon private property, where the branches extend over a highway.

(a) Definition. In this section except where otherwise indicated, "trees" includes a growing tree or shrub planted or left growing on either side of a highway for the purpose of shade or ornament. By-law No. 81-166, S.1(2).

(2) Owners of Land May Plant Trees. Any owner of land abutting on a highway may with the approval of the City Council expressed by resolution plant shade or ornamental trees upon that portion of the highway upon which his land abuts and which has been set apart for the purpose of a side-boulevard.

(2a) It is hereby authorized and directed that the City may, with the consent of the owner, plant shade or ornamental trees within eight feet of the highway at the expense of the City of Hamilton provided,

(a) any tree planted is the property of the owner of the land on which the tree is planted; and

(b) the owner of the land shall undertake and agree that the City of Hamilton is not liable for maintenance, replacement, removal or otherwise in respect of any tree so planted. By-law No. 75-292, S.1.

(3) Not To Be Obstruction.

(a) No tree shall be so planted that the same is or may become a nuisance in the highway, or obstruct the reasonable use of the same;

(b) No tree shall be planted upon any highway, nearer to any other tree upon a highway, than thirty feet;

Provided, however, that in this clause, "tree" shall not be deemed to include any shrub or tree of a sort which does not normally attain a height or spread of more than twenty feet;

(c) Unsuitable Species. No tree shall be planted in any highway, of any of the following species, which the council deems unsuited for that purpose, and the Director of Public Works is authorized to remove without notice any or all of such trees growing on a highway or planted thereon contrary to the provisions of this by-law:

Chinese Elms	Poplar
Cottonwood or	Soft Maple
Balm of Gilead	Willow

Provided, however, that this subsection shall be construed as obligating the City Corporation or the Director of Public Works to remove all or any of such trees, unless the City Corporation has had notice that the roots of the same have already obstructed a sewer of the City Corporation or a sewer connection serving land other than the parcel abutting upon that part of the highway in which the tree is growing. By-law No. 81-166, S.1(2).

(4) Permission to Cut Down. The owner of any tree upon a highway may remove or cut down the same with the authority in writing of the Director of Public Works, but nothing herein shall be construed as requiring the Director of Public Works to give such permission in writing without a resolution of the City Council, when in his opinion the removal of such tree might be against the public interest. By-law No. 81-166, S.1(2).

(5) Removal in Public Interest. Any tree planted upon a highway shall be removed when deemed necessary in the public interest, but in such case the owner of the tree shall be given ten days notice of the intention of the City Council to remove such tree, and be recompensed for his trouble in planting and protecting it, and if he so desires shall be entitled himself to remove the tree, but shall not in such case be entitled to any further or other compensation.

(6) Notice to Remove. The notice required by subsection 5 may be given by leaving the same with a grown-up person residing on the land adjacent to the highway and nearest to the tree, or, if the land is unoccupied, by posting it in a conspicuous place on the said land, and if the tree has not been removed upon the expiration of ten days after such giving of the notice, the Director of Public Works shall forthwith proceed to remove the tree. By-law No. 81-166, S.1(2).

(7) Decayed Trees.

(a) An owner of a tree shall not leave standing any decayed or dangerous tree upon a highway, or any such tree so near to a highway that the same may be or become dangerous to persons lawfully using the highway;

(b) Overhanging Limbs. An owner of a tree standing upon or adjacent to a highway shall not leave projecting over the highway any branch of any such tree in such manner as to obstruct the reasonable and safe use of the highway.

(8) No person shall injure or destroy a tree. By-law No. 79-106, S.1.

(9) No person shall attach any object or thing to a tree located on any highway or public place, except with the consent of the Director of Public Works notwithstanding that such attachment would not injure or destroy the tree. By-laws Nos. 79-106, S.1; 81-166, S.1(2).

TEMPORARY CLOSING OF HIGHWAY FOR REPAIRS, ETC.

6. (1) To Be Closed While Work in Progress. During the construction, repairing or improvement of any highway or portion thereof, the said highway or that portion of it being so constructed, repaired or improved shall be temporarily closed.

(2) Alternative Route. Where a highway or portion thereof is so closed, the Commissioner of Engineering shall provide and the Director of Public Works shall keep in repair, a reasonable temporary alternative route as selected and designed by the Traffic Commissioner for traffic and for all property owners who cannot obtain access to their property by reason of such closing. By-laws Nos. 81-166, S.1; 82-153, S.7(1); S.8(1).

(3) Barricades and Detour Signs. While a highway or portion thereof is so closed to traffic, there shall be erected by the Commissioner of Engineering or by the Director of Public Works, whichever is in charge of the work, at each end of the highway or portion thereof, and where an alternative route deviates therefrom, a barricade upon which an adequate warning device shall be exposed and in good working order continuously

except during full daylight, and at such points there shall be erected detour signs by the Traffic Commissioner, indicating the alternative route and that the highway is closed to traffic. Every such barricade shall be of that type which may from time to time be adopted by the City Council. By-law No. 82-153, S. 7(1); S.8(1).

REMOVAL OF SNOW AND ICE

7. (1) (a) From Roofs of Certain Occupied Buildings. With respect to every occupied building having a pitched roof from which snow and ice might fall upon any highway or other place to which the public has access, the occupants shall clear away and remove the snow and ice from the roof whenever there is sufficient accumulation to threaten danger in the event of a thaw.

(b) Recovery of Cost From Occupants, in Case of Default. In default of compliance with the requirements of this subsection, the Director of Public Works in lieu of or in addition to any other remedy provided by this by-law, is authorized to clear away and remove such snow and ice at the expense of the occupants, and in default of payment on demand, the amount of the expense incurred in doing it shall be recovered from the said occupants by action. By-law No. 81-166, S.1(2).

(2) (a) From Roofs of Certain Unoccupied Buildings. With respect to every unoccupied building having a pitched roof from which snow and ice might fall upon any highway or other place to which the public has access, the Director of Public Works is authorized to clear away and remove, at the expense of the owner of the building, the snow and ice from the roof whenever it has come to his attention that there is a dangerous condition. By-law No. 81-166, S.1(2).

(b) Recovery From Owner of Cost of Removal. The amount of the expense incurred in clearing away and removing snow and ice from the roof of any unoccupied building pursuant to the provisions of clause (a) of this subsection shall be added by the City Clerk to the collector's roll and collected as municipal taxes against land are collected.

(3) (a) From Sidewalks at Certain Occupied Buildings. The occupants of all classes of buildings except office buildings, multiple dwellings, other buildings of multiple occupancy and

government buildings, shall clear away and remove the snow and ice from all the sidewalks on the highways in front of, alongside or at the rear of such buildings, as soon as reasonably practicable after every snowfall, and in any event within twenty-four hours.

(b) The owners of all office buildings, multiple dwellings, other buildings of multiple occupancy and government buildings, shall clear away and remove the snow and ice from all the sidewalks on the highways in front of, alongside or at the rear of such buildings, as soon as reasonably practicable after every snowfall, and in any event within twenty-four hours. By-law No. 73-366, S.2.

(c) Recovery of Cost From Occupants, in Case of Default. In default of compliance with the requirements of this subsection, the Director of Public Works in lieu of or in addition to any other remedy provided by this by-law, is authorized to clear away and remove such snow and ice at the expense of the occupants, and the amount of the expense incurred in doing it shall be recovered from the said occupants, by action, or shall be recovered in the manner provided by subsection 4 of this section. By-laws Nos. 73-366, S.1; 81-166, S.1(2).

(4) From Other Public Sidewalks. The Director of Public Works is authorized to clear away and remove snow and ice from the sidewalks on any highway or part of a highway, in front of, alongside or at the rear of any occupied or unoccupied building or vacant lot, at the expense of the owners, and the amount of such expense shall be added by the City Clerk to the collector's roll and collected as municipal taxes against land are collected. By-law No. 73-366, S.1.

(5) Manner of Removal. In the clearing away and removal of snow and ice from sidewalks or roofs, no snow or ice shall be deposited in such manner as to obstruct drainage to any drain or sewer, or so as to obstruct access to any fire hydrant, and no such snow or ice shall unnecessarily be deposited upon the travelled portion of any highway.

(6) Sanding of Crossings, etc. by Director of Public Works. It shall be the duty of the Director of Public Works to cause to be levelled or sanded, or both if necessary, all sidewalks and cross-walks which are in a condition of non-repair by reason of snow or ice; and the Director of Public Works is also authorized to cause to be levelled or sanded, or both, any roadway or part of a roadway in special cases when authorized to do so. By-law No. 81-166, S.1(2).

REMOVAL OF VEHICLES FOR SNOW-CLEANING

8. No person shall park or leave a vehicle on a highway where snow or ice is being moved to open the road for travel on it, and any vehicle which has been parked or left on a highway prior to the commencement of or during a snow or sleet storm or the work of moving the snow or ice to open the road for travel on it shall be removed within one hour after the commencement of such storm or work; and in default of its being so removed, any constable upon discovery of any vehicle parked or left in contravention of this provision may cause it to be taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, shall be a lien upon the vehicle, which may be enforced in the manner provided by section 52 of The Mechanics' Lien Act. By-law No. 82-153, S.5.

OBSTRUCTING, ENCUMBERING, INJURING OR FOULING HIGHWAYS PROHIBITED

9. (1) Save as herein otherwise provided or as otherwise specifically permitted by law, no person shall obstruct, encumber, injure or foul any highway, or obstruct any drain, ditch or culvert upon a highway.

(2) Obstructions and Encumbrances. Without in anywise limiting the generality of the foregoing prohibition of obstructing or encumbering a highway, no person shall without lawful authority erect, install, place or maintain or cause or permit the erection, installing, placing or maintaining of any pole, post, fence, hedge, awning, canopy, marquee, sign, area opening, porch, doorstep, vehicle approach ramp, sidewalk, driveway, or other building, structure, firewood or thing either wholly or partly upon, in, under or over a highway, or firewood or any other thing calculated to obstruct it, and no person shall cause or permit the hanging or maintenance of any gate, door or other thing in such a manner as to allow it to swing over any part of a highway.

(3) Removal of Obstructions, etc. Any pole, post, fence, hedge, awning, canopy, marquee, sign, porch, doorstep, vehicle approach ramp, sidewalk, driveway or other building, structure, firewood or thing unlawfully upon, in, under or over a highway, either wholly or partly, shall be removed by the owner or occupant of the land in connection with which the same exists, and any area under and opening to it, unlawfully in any highway shall be filled up by the owner or occupant of the land in connection

with which it exists; and in default of compliance with this provision any such obstruction or encumbrance may be removed and any such area and opening to it may be filled in by the City, and the highway restored to its former condition, all at the expense of the owner or occupant of the land in connection with which such obstruction, encumbrance, area or opening exists, and the amount of such expense may be recovered by action or may be added by the City Clerk to the collector's roll against the said land and collected in like manner as municipal taxes. By-laws Nos. 81-166, S.2; 82-153, S.7(2).

(4) Fouling Highways. Without in anywise limiting the generality of the foregoing prohibition of fouling a highway, no person shall foul any highway or cause or permit the fouling thereof, either by,

(a) the littering by throwing, placing or depositing of any dirt, filth, glass, handbill, paper or other rubbish or refuse, or the carcass of any animal. By-law No. 71-268, S.1;

(aa) the placing or depositing of mud, soil or building material by spilling from or tracking by one or more vehicles making egress from or ingress to adjacent land. By-law No. 77-105, S.1;

(b) the throwing, placing or depositing of any hay, straw, coal, manure, earth or other matter or thing, whether refuse or not, and whether spilled from a vehicle or not; or

(c) discharging liquid waste; or

(d) fouling a highway in any other manner.

(5) Where a highway is fouled contrary to any provision in clause (aa) of subsection 4, the owner of the adjacent land shall immediately remove the fouling and restore the highway to its condition prior to the fouling. By-law No. 77-105, S.2.

(6) Where the fouling is discovered by an official, servant, agent or any other person, the Commissioner of Engineering or the Director of Public Works may remove the fouling in such a manner as to restore the highway to the condition prior to the fouling. By-laws Nos. 77-105, S.2; 82-153, S.8(1).

(7) The fouling shall be removed at the expense of the owner of the adjacent land referred to in clause (aa) of subsection 4, and shall be recovered in a like manner as municipal taxes against the land of the owner. By-law No. 77-105, S.2.

9a. (1) The whole or portion of every load carried by a motor vehicle on a highway and which is not enclosed by the vehicle or a load container, shall be covered by a covering that is made of tarpaulin, canvas, netting or other material that prevents the load or any part of the load from falling upon the highway. By-law No. 79-332, S.1.

(2) Subsection 1 does not apply to municipal vehicles,

(a) in the course of applying sand, salt, a mixture of sand and salt or similar substance to the highway for the purpose of highway or winter highway maintenance;

(b) in the course of collecting waste;

(c) within the limits of a highway construction contract. By-law No. 79-332, S.1.

(3) For the purpose of this section, "load" includes,

(a) domestic or industrial waste of any kind within the meaning of By-law No. 68-360; or

(b) construction material; or

(c) earth, sand, gravel, stone, crushed stone, slag, salt or any mixture thereof; or

(d) any other material or thing,

that may foul a highway by being blown thereon or by spilling or falling onto the highway. By-law No. 79-332, S.1.

POLES IN AND WIRES OVER A HIGHWAY

10. (1) May Be Permitted. Notwithstanding the provisions of this by-law prohibiting the obstructing, encumbering, injuring or fouling of highways, but subject to the provisions of other

applicable Acts and by-laws, the following obstructions and encumbrances are permitted upon such terms and conditions as may be agreed upon:

(a) electric light, power, telegraph and telephone poles and wires, and poles and wires for the transmission of electricity across or along any highway or public place;

(b) poles, towers, wires, cables, amplifiers and other accessory equipment upon, across or along any highway or public place, for the purpose of transmitting electrical or electric impulses, signals and messages of every nature and kind, including those of alarm and protective systems, radio programmes or parts thereof, and television programmes or parts thereof, and the placing and maintenance of such equipment and of pipes, ducts, and conduits for enclosing such equipment, upon and within any poles, towers, pipes, ducts and conduits then erected, constructed or laid down, with the consent of the owner and the body in which is vested the management and control of such poles, towers, pipes and conduits.

(2) Location of Poles and Heights of Wires, etc. All such poles and towers referred to in subsection 1 shall be located, installed and maintained under the supervision and to the satisfaction of the Commissioner of Engineering and all such wires shall be placed and maintained at a height of not less than eighteen feet. By-law No. 82-153, S.8(1).

UNDERGROUND SERVICES IN NEW SUBDIVISIONS

10a. Notwithstanding any other provision of this by-law, all wires and conduits for,

(a) the transmission of electricity; and

(b) electrical or electric impulses, signals and messages of every kind and nature,

shall be installed underground in new subdivisions. By-law No. 79-217, S.1.

MISCELLANEOUS OBSTRUCTIONS AND ENCUMBRANCES PERMITTED UPON OR OVER A HIGHWAY

11. Notwithstanding the provisions of this by-law prohibiting the obstructing or encumbering of a highway, but subject to the provisions of other applicable Acts and by-laws, the following obstructions and encumbrances are permitted during the pleasure of the City Council, in accordance with the provisions following:

Where No Permit or Other Formality Required

(1) Paved Sidewalks and Driveways Not Over 25' Wide. Save as otherwise provided in subsection 8, a paved sidewalk or driveway of a width of not more than twenty-five feet, without any curb and at the same level as the adjoining ground, from the public sidewalk to the land abutting upon the highway, or, where there is an outer side-boulevard then from the public sidewalk to the edge of the roadway, but this provision shall not be deemed to include an approach ramp. By-law No. 81-127, S.2.

(2) Canvas or Other Non-Rigid Awnings. An awning of canvas or other such light and flexible material to project over a sidewalk to the extent of not more than three-quarters of the width of the same.

Provided it is on a suitable frame properly supported from a building or structure on the land abutting upon a highway, that it is not attached to any tree, pole or other erection or thing on the highway, that no part of its supporting frame is closer to the sidewalk than seven feet and six inches, that no part of the awning is closer to the sidewalk than six feet and eight inches, and that it is so constructed, installed and equipped as readily to be capable to being raised to a furled position in which it extends not more than ten inches over the highway and is at least eight feet above the surface of the sidewalk below it.

Where Only Building Permit Required

(3) Refacing Existing Buildings. An existing building to encroach or further encroach upon a highway to such an extent as may be necessary to provide for refacing any such building. By-law No. 77-56, S.1.

(4) Awning Containers, Cornices, etc. Sills, brackets, awning containers and awning covers, to an extent of not more than two inches, at least eight feet above the ground.

Cornices of show windows to an extent of not more than twelve inches, at least eight feet above the ground.

Eaves, and other cornices, to an extent of not more than eighteen inches, at least twelve feet above the ground.

Window air-conditioners to an extent of not more than eighteen inches, at least eight feet above the ground.

(4a) Architectural or Ornamental But Non-Structural Features. Architectural or ornamental but non-structural features at least eight feet above the sidewalk or where there is no sidewalk at least fourteen feet above the roadway to an extent of not more than one foot, provided that the area of vertical projection of such features which projected over the highway shall not exceed, in any area of one hundred square feet of wall, twenty square feet. By-laws Nos. 66-97, S.1; 76-90, S.1.

(5) Signs. A sign or other advertising device having an area of vertical projection of no more than sixty square feet and a thickness between its principal faces of no more than eighteen inches, to project over the highway to the extent of not more than ten feet or two-thirds as far as the curb lines, whichever is the lesser distance, at a height of at least eight feet above the ground; or, where the curb line is no more than seven feet from the street line, it may project as far as the curb line if the clearance above the ground is at least fourteen feet. By-laws Nos. 9417, S.2; 76-90, S.2.

Where Annual Charge or Indemnification Agreement, etc. Required

(6) Paving of a part of a side-boulevard other than as permitted under subsection 1, upon a permit in writing from the Commissioner of Engineering, according to his specifications and to his satisfaction, after registration in the Registry Office for the Registry Division of Wentworth, of an agreement satisfactory to the City Solicitor, to indemnify and save harmless the City Corporation for any and all actions, claims, demand and loss whatsoever which may result. By-law No. 81-127, S.3.

(7) Bridges, Canopies and Marquees. After registration of an indemnification agreement as aforesaid, a bridge or other structure over or across a highway at a height of not less than eighteen feet, for the purpose of access by the owner of land to

land of the same owner on the other side of the highway, and a canopy or marquee to the curb line at a height of at least eight feet above the sidewalk or ground. By-law No. 76-90, S.3.

(8) A vehicle approach ramp may be constructed as an independent installation by the City upon specifications of the Commissioner of Engineering and to his satisfaction,

(a) in the case of ramps not more than twenty feet in width for single-family dwellings or two-family dwellings, after application in writing to the Director of Public Works;

(b) in the case of any other ramps, after application in writing to the Traffic Commissioner,

upon payment by the applicant of any money as a charge for its construction as the City may approve, based on the average cost per square foot of construction of vehicle approach ramps independently constructed during the preceding calendar vear. By-laws Nos. 71-326, S.1; 81-127, S.4; 82-153, S.6, S.7(1), S.8(1).

(8a) Except as provided in subsection (8b), the location of all vehicle approach ramps shall be to the satisfaction of the Traffic Commissioner. By-laws Nos. 71-326, S.1; 81-127, S.5.

(8b) The location of a vehicle approach ramp for a driveway not more than twenty feet wide for single-family dwellings and two-family dwellings shall be to the satisfaction of the Director of Public Works. By-laws Nos. 71-326, S.1; 81-127, S.5; 81-166, S.1(2).

(8c) Except as provided in subsection (8d), no vehicle approach ramp may be located to allow access to a driveway where the distance between the building and the side property line is less than seven feet wide. By-laws Nos. 71-326, S.1; 74-267, S.1; 80-132, S.1; 81-127, S.5.

(8d) A vehicle approach ramp may be located,

(a) to allow access to an attached garage or to a carport or to a front, side or rear yard;

(b) to allow access to a mutual driveway not less than seven feet wide if,

(i) the mutual driveway is established in accordance with any instrument registered in the Registry Office against the title of the lands of the abutting parcels; and

(ii) a hard surfaced paved rear or side yard parking space having dimensions not less than nine feet wide and twenty feet long can be established.
By-laws Nos. 71-326, S.1; 81-127, S.5.

(8e) Where there is registered on title an agreement for paving a portion of the highway satisfactory to the Traffic Commissioner, notwithstanding subsection (8b), a vehicle approach ramp to one or more parking spaces located partially in the front, side or rear yard of a single-family, two-family or three-family dwelling and partially upon the boulevard of a public highway, shall be located to the satisfaction of the Traffic Commissioner. By-laws Nos. 74-267, S.1; 81-127, S.6, S.7(1), S.8(1); 84-43, S.1.

(8f) Where a vehicle approach ramp has been constructed in accordance with subsection (8e), the parking spaces provided shall not be occupied by,

(a) a commercial motor vehicle or trailer within the meaning of The Highway Traffic Act; or

(b) a boat; or

(c) a mobile housing unit.
By-law No. 81-127, S.8.

(9) Benches for the use of the public, on the untravelled portion of any highway, subject to such terms and conditions as may be agreed upon.

(10) Transit system shelters for the use of the public, on the untravelled portion of any highway, subject to such terms and conditions as may be agreed upon.

(11) Telephone booths for the use of the public, upon such terms and conditions including an annual or other charge, as may be agreed upon.

(12) Subject to the provisions of The Municipal Act in that behalf, iron waste paper boxes on the street corners or elsewhere, for the use of the public upon such terms or conditions including an annual fee, as may be agreed upon.

(13) The maintenance and use by any person owning or occupying any building or other erection which by inadvertence has been wholly or partially erected upon any highway, upon the payment of such annual fee or charge as the City Council may from time to time deem reasonable, for such owner or occupant to pay for such privilege; and such fee or charge shall form a charge upon the land used in connection with such encroachment, and shall be collected in like manner as municipal taxes, for so long as the City Council permits the continuance of such encroachment.

Provided that an inadvertent encroachment which has been so permitted to continue shall be removed at the expense of the owner upon termination by resolution of the City Council, of the privilege for the continuance of such inadvertent encroachment.

11a. (1) The elevation of any access driveway at the street line shall be approved by the Commissioner of Engineering, By-law No. 71-21, S.1.

(2) Subsection (1) does not apply to single-family dwellings or to two-family dwellings. By-law No. 71-21, S.1.

11b. (1) Every person shall before placing one or more print media vending or distribution boxes on a sidewalk or a highway,

(a) enter into an agreement satisfactory to the City;

(b) pay an equivalent sum annually on January 1st of each year for each vending or distribution box but prorated for the balance of the year where vending or distribution boxes are placed after January 1st;

(c) provide at the time of each annual payment and from time to time as may be required by the Commissioner of Transportation,

(i) an alphabetical street name inventory listing exactly where the vending or distribution boxes are placed; and

(ii) a map of the City satisfactory to the Commissioner of Transporation showing the location where each vending or distribution box is situate;

(d) provide a $1,000,000 public liability policy of insurance wherein the City is an additional named insured and the policy contains a provision for cross-liability. By-laws Nos. 84-40, S.1; 85-160, S.3.

(2) Every print media vending or distribution box shall be situate on a sidewalk or a highway only in accordance with the following regulations:

1. No vending or distribution box shall be placed,

(a) in such a manner as in the opinion of the Commissioner of Transportation may obstruct pedestrian or vehicular movement;

(b) on sidewalks having a width of 2 metres or less;

(c) within 30 metres of all street intersections except at the back of the sidewalk;

(d) at bus loading areas;

(e) within 6 metres of any fire hydrant;

(f) at or adjacent to pedestrian and vehicular egress and ingress locations including ramps and crosswalks so as to obstruct or interfere with egress and ingress;

(g) so as to obstruct or interfere with street maintenance.

2. No vending or distribution box shall be chained, fastened or affixed to,

(a) utility apparatus, such as signal poles, lamp posts, H.S.R. utility poles;

(b) telephone booths, post boxes, bus shelters, bus roscoes, sign posts, parking meters;

(c) a building, structure or fixture not designed to accommodate vending or distribution boxes, unless prior written permission from the owner is first obtained.

3. No deliveries to, maintenance of, and repairs to, vending or distribution boxes shall, in the opinion of the City, obstruct or interfere with the use of the travelled portion of the sidewalk or the highway on which the boxes are situate.

4. The exact location and manner of placement and maintenance of vending or distribution boxes shall be to the satisfaction of the Commissioner of Transportation. By-law No. 84-40, S.1.

(3) For the purpose of clause (b) of subsection 1, "equivalent sum" means a sum of money equal to the charge required to be paid by The Regional Municipality of Hamilton-Wentworth. By-law No. 83-160, S.1.

(4) For the purpose of clause (c) of paragraph 2 of subsection 2, "owner" means an owner or registered owner or other person satisfactory to the Commissioner of Transportation. By-law No. 83-160, S.1.

MISCELLANEOUS EXCAVATIONS AND INSTALLATIONS PERMITTED IN OR UNDER A HIGHWAY

12. Notwithstanding the provisions of this by-law prohibiting the obstructing, encumbering or injuring of highways, the surface of any highway may, subject to the provisions of section 13, be cut and the following obstructions and encumbrances permitted during the pleasure of the City Council, in accordance with the following provisions:

1. Area Opening. Subject to the provisions of the Building By-law, an area under and an opening to it in the highway upon permission of the City Council and after registration in the Registry Office for the Registry Division of Wentworth, of an agreement satisfactory to the City Solicitor, to indemnify and save harmless the City Corporation from any and all actions, claims, demands and loss whatsoever which may result.

2. Sewer Connections. A connection from a sewer of the City Corporation to the boundary of the highway, upon a permit in writing from the Commissioner of Engineering. By-law No. 82-153, S.8(1).

3. Pipes, Conduits, etc. Subject to the provisions of The Municipal Act, The Municipal Franchises Act and other applicable Acts,

(a) pipes or conduits for transmitting gasoline, petroleum or petroleum products, along, under, in or upon a highway or land owned by the municipality;

(b) pipes or conduits for enclosing wires for the transmission of electricity, under a highway or public place;

(c) pipes or conduits for transmitting steam, under a highway or public square;

(d) pipes and other necessary works for the transmission of water, gas or sewage on, in, under, along or across a highway; and

(e) subways for cattle under a highway, upon the permission of the City Council in accordance with such terms and conditions as may be agreed upon.

REQUIRED PROCEDURE RESPECTING INSTALLATIONS UNDER A HIGHWAY OR CUTTING THE SURFACE OF A HIGHWAY

13. (1) Application of Section. Wherever any work permitted by the provisions of this by-law or otherwise permitted by law involves any excavating in a highway or cutting the surface of a highway, the provision of this section shall apply, except in the case of sewer mains, water mains, water service pipes, vehicle approach ramps and other work done by the City Corporation.

(2) Where No Permit Required From Commissioner of Engineering. No permit from the Commissioner of Engineering to cut or excavate is required with respect to,

(a) the laying of any private sidewalk or driveway, (except a vehicle approach ramp). Not more than fifteen feet wide, or;

(b) an area under and opening to it in a highway, which is authorized under the provisions of this by-law, but all other relevant provisions of this section shall apply to the same. By-law No. 82-153, S.8(1).

(3) Where Permit Required From Commissioner of Engineering. A permit in writing from the Commissioner of Engineering is required before the cutting of the surface of any highway with respect to the installation or replacement of,

(a) any paving more than twelve feet wide;

(b) any sewer connnection;

(c) any pole or tower;

(d) any pipe or conduit; or

(e) any other underground work or other work involving the cutting of the surface of any highway, except as otherwise provided in subsection 2.
By-law No. 82-153, S.8(1).

(4) Application For Permit. Every application for a permit required under this section shall be made to the Commissioner of Engineering in writing in six copies, together with a plan in five copies, showing the proposed location, nature and particulars of the work, and the Commissioner of Engineering shall forward one copy of the application and one copy of the plan, each, to the Traffic Commissioner and to the Director of Public Works. By-law No. 82-153, S.7(1); S.8(1).

(5) Issue of Permit. The Commissioner of Engineering upon receipt of the application and after consultation with any other official aforesaid who may reasonably be concerned, will as soon as possible issue the permit to any applicant to whom such permit ought to be issued, but no permit shall be issued for the cutting of a highway where in the opinion of the Commissioner of Engineering the work ought to be done by boring instead of cutting, and in such case the permit shall be issued for boring. By-law No. 82-153, S.8(1).

(6) Notice of Commencement and Carrying on of the Work. Except in case of emergency, no such work shall be commenced without at least forty-eight hours notice in writing to the Commissioner of Engineering, the Director of Public Works and the Traffic Commissioner, or a full week's notice where a street will have to be closed, or the traffic on a heavily travelled street seriously interfered with, and daily notice shall be given to the Commissioner of Engineering, of the progress of all such work until its completion and the restoration of the highway; and, in case of any emergency work notice shall be given and an application for permit made as soon as possible after commencement of

the work, namely on the same day, or, if too late in the day, then within one hour of the opening of the Commissioner of Engineering's office on the next following day which is not a Sunday or other holiday. By-law No. 82-153, S.8(1).

(7) All Underground Work to be Done Only by City Corporation, Bonded Contractor, Public Utility or Franchise Holder. With the exception of work done by the City Corporation or its servants, agents or contractors, all work referred to in subsection 3 of this section except paving, and except an area under and opening to it in the highway, shall be done only by the public utility or the franchise holder lawfully in control or by a contractor who has deposited with the City Clerk a satisfactory bond of a recognized bonding company licensed to carry on business in Ontario, in such amount as may be deemed sufficient, that he will perform all work done upon, in or under a highway in a proper and workmanlike manner, take all proper precautions and safety measures for the protection of public and private property and of the public, including the maintenance of all necessary warning lights and watchmen, carry out and complete all such work and restore the highway to as good condition as before with all due expedition and dispatch, maintain the disturbed portion of the highway in proper repair for the period of two years after completion of the work, and indemnify and save harmless the City Corporation from any and all actions, claims, damages and loss whatsoever arising directly or indirectly from doing of the work.

(8) Supervision, Inspection, and Inspection Fees. All work referred to in this section shall be carried out under the direction and supervision of the Commissioner of Engineering and to his satisfaction, and the person in control of such work shall, forthwith upon demand after completion of the work, pay to the City Corporation all costs incurred by the City Corporation for inspection and supervision of the work, and all other costs which have been incurred. By-law No. 82-153, S.8(1).

(9) Carrying Out of the Work.

(a) Generally. All work to which the provisions of this section apply shall be carried out in a proper workmanlike manner, with all proper precautions and safety measures for the protection of public and private property, and of the public, including the maintenance of all necessary warning lights and watchmen, and brought to completion and the highway restored to as good condition as before as expeditiously as possible, all under the direction and supervision of the Commissioner of Engineering and to his satisfaction;

(b) Cut in Boulevard. Where a sodded or planted boulevard is cut, top soil to a depth of at least six inches shall be placed over the required back filling, and the sod or other planting restored to as good condition as before; but in the case of a pavement cut, the entire section of pavement shall be replaced for its full length and width, and the paving restored to as good condition as before;

(c) Cut in Sidewalk or Vehicle Approach Ramp. Where a cut is made in a sidewalk or vehicle approach ramp, the entire section which is cut shall be replaced in conformity with the concrete specifications and other requirements of the City Corporation;

(d) Cut in Roadway. Where a cut is made in an unpaved roadway, it shall be backfilled with suitable granular material properly tamped, except the top twelve inches which shall be backfilled with crushed stone graded in size from three-eighths of an inch to dust, properly tamped; but where the cut is in an asphalt pavement, whether it is asphalt on macadam or asphalt on concrete, the pavement shall be replaced by three inches of hot-mix asphalt on an eight-inch concrete base over suitable granular material properly tamped;

(e) Where Any Drain Connections, etc. Disturbed. Where a sewer or catch-basin connection or other service or facility of the City Corporation is broken or disturbed, the person in control of the work shall at once notify the Commissioner of Engineering who shall perform all necessary work of restoration at such person's expense, and where a private drain connection is broken or disturbed, such person shall at once cause the same to be repaired by a bonded sewer contractor. By-law No. 82-153, S.8(1).

USE OF HIGHWAY DURING BUILDING OPERATIONS

14. (1) Use of Part of Highway Permitted. Notwithstanding the provisions of this by-law prohibiting the obstruction, encumbering, injuring or fouling of highways, the use of a portion

of any highway by the owner or occupant of land adjoining such highway during building operations upon such land for the storage of materials for such building or for the erection of boards is permitted in accordance with the provisions of this section.

(2) Permit Required. No such use shall be commenced unless and until a permit in writing has been obtained from the Traffic Commissioner, and no such use shall be made of any part of the highway except in accordance with the terms of the permit and all applicable provisions of the Building By-law. By-law No. 82-153, S.8(2).

(3) Terms of Permit. Every such permit shall show what part of what highway may be so used, for what part or parts of the day during what period of time, and no such permit shall be for the use of a greater area of the highway or for a longer period of time than is reasonably necessary, having regard to the safety and convenience of the public as well as the need of the applicant, and every such permit shall be subject to cancellation by the Traffic Commissioner at any time. By-law No. 82-153, S.8(2).

(4) No permit shall be issued until there has been paid a fee in such amount as may be determined from time to time by the City Council, and, upon the expiry of the permit, no such use shall be made of any part of the highway unless and until another permit in writing has been obtained and a further fee paid.

(5) Indemnification Agreement. No permit shall be issued until there has been delivered by the applicant an agreement from a recognized bonding company licensed to carry on business in Ontario, in such sum as may be required, to indemnify and save harmless the City Corporation, from any and all actions, claims, damages and loss whatsoever, arising from such use of the highway.

(6) Where Consent of Adjoining Owner Required. Before any permit is given for the use of any part of the highway beyond the limits of the frontage of the applicant, there shall be obtained from the owner of the adjoining lands, in writing, a consent and waiver of all claims against the City Corporation of any damages which may result, whether directly or indirectly from any such use of that part of the highway during the period to be covered by the permit and for a reasonable time thereafter.

(7) Other Requirements. Every person making use of any part of a highway during building operations shall be responsible that the following requirements are observed:

(a) Mixing Mortar. No mortar, concrete or other such substance shall be mixed upon the highway, save upon a platform of wood, iron or other as suitable material and so located and guarded as to give adequate protection both to the highway and to children and the public;

(b) Keep Drains Clear. No material shall be allowed to obstruct the free passage of water in any drain, gutter or watercourse;

(c) Dust, Nuisance, etc. No unnecessary dust or noise shall be allowed, or any unnecessary or unreasonable annoyance to the public;

(d) Warning Lights. No building material or other obstruction shall be allowed on a highway without sufficient suitable warning lights and such other safeguards as may be necessary or desirable for the protection of children and the public;

(e) Clear and Restore Highway. All building material and other obstructions and all debris and residue shall be removed from the highway and the same restored to as good condition as before on or before the day of expiration of ther permit.

MISCELLANEOUS REGULATIONS

15. (1) Firearms. No person shall discharge any gun or other firearm, air-gun or spring-gun of any class or type, anywhere in the City of Hamilton.

Provided, however, that this prohibition shall not apply to the discharge of firearms,

(a) in properly constructed and supervised rifle ranges; or

(b) in shooting galleries licensed by the Board of Commissioners of Police; or

(c) by police officers or employees of the City Corporation carrying out their proper duties in the killing of stray pigeons, vicious dogs, or otherwise.

(2) Fireworks. REPEALED. By-law No. 79-128, S.34.

(3) Vehicle Crossing Sidewalk. Notwithstanding the provisions of the Traffic By-law prohibiting vehicles on sidewalks save at properly constructed crossings, it is permitted to cross a sidewalk with a vehicle with building materials during building operations, or for other reasonable and temporary need, where there is no regular crossing, provided that the sidewalk is protected by planking at least two inches thick, securely fastened and champfered or bevelled at the ends for the greater safety of pedestrians, and provided further that a suitable temporary bridge is constructed across the adjoining gutter in such manner as not to obstruct the same.

(4) Filling Up and Draining Vacant Lots. The owner of any ground, yard or vacant lot shall be responsible to fill up and drain any depression where water lies, and to keep such ground, yard or lot clean and free of any debris and refuse. By-law No. 9643, S.2.

(5) Pits and Quarries.

(a) In Operation. No excavation for any pit or quarry shall be made or commenced within less than ten feet of the limits of any highway or other public place, or within less than ten feet of the limits of any adjoining lands; the slope at the sides of the excavation shall in no case be steeper than one and a half feet horizontal to one foot vertical, and the depth shall nowhere be greater than thirty feet;

(b) Not in Operation. The owner of any pit or quarry which is within three hundred feet of a road and which has not been in operation for a period of twelve consecutive months, shall level and grade the floor and sides thereof and the area within three hundred feet of its edge or rim so that it will not be dangerous or unsightly to the public.

(6) Strayed Pigeons. The Director of Public Works upon the complaint of the owner or occupant of any premises is empowered to enter upon such premises and the land buildings in the vicinity thereof for the purpose of trapping, removing or exterminating strayed pigeons which are causing annoyance to the owner or occupant or damage to such premises. By-law No. 81-166, S.1(2).

MISCELLANEOUS PROHIBITIONS

16. (1) Indecent Placards, etc. No person shall post or exhibit any placard, play bill, poster, writing or picture, or write any word or make any picture or drawing, which is indecent or may tend to corrupt or demoralize, on any wall or fence or elsewhere on a highway or in a public place.

(2) Defacing Signs. No person shall pull down or deface any sign or other advertising device or notice lawfully affixed.

(3) Discharging Rain Water on Highway. No owner, occupant or other person in control of any premises, shall allow any rain conductor or other drainage facility to discharge water so as to flow upon any highway; and no owner of any paved area other than a private driveway or sidewalk shall allow it to drain onto a highway.

(4) Depositing Snow on Highway. No person shall deposit any snow or ice on the travelled portion of any highway. By-law No. 10107, S.1(1).

(5) Discharging Nauseous Liquid. No person shall discharge or allow the discharge into any highway or public place, or into any sewer of the City Corporation of any toxic, flammable, corrosive or other nauseous liquid.

(6) Putting Kitchen Waste, etc. in Waste Paper Boxes. No person shall deposit into any waste paper box or basket on a highway, a lighted cigarette or other fire, or any accumulation of a kitchen waste or other garbage which ought rather to be put out in a container for collection in the City's regular garbage collection, or any other material of a kind not reasonably appropriate for depositing in a waste paper box or basket on a highway.

(7) Disturbing Noises. No person shall ring a bell, blow a horn, or shout or make any unusual noise, or any noise likely to disturb the inhabitants.

Provided that this shall not be deemed to prohibit the ringing of church bells, the sounding of motor vehicle horns when reasonably necessary or other noises of a reasonable nature and intensity on proper occasions. By-laws Nos. 10107, S.1; 68-290, S.1.

(8) Obstructing Watercourses. No person shall obstruct any drain or watercourse. By-law No. 10107, S.1(3).

(9) Other Public Nuisances. The throwing of stones or playing of games on a highway, the climbing of trees or fences, defacing of buildings with paint or writing or otherwise, and all other public nuisances of whatsoever kind or nature, are hereby prohibited.

(10) Criers and Vendors of Smallwares. Except as may be provided in any other by-law of the City, no crier and no vendor of smallwares shall practise his calling in the market place, or on the highways or on any vacant lot adjacent to the market place or to a highway. By-laws Nos. 9417, S.1; 10107, S.1(4); 85-103, S.1.

(11) Retail Selling. Except as may be provided in any other by-law of the City, no person shall sell by retail in any highway or on any vacant lot, lot adjacent to a highway, any meat, fish, vegetables, grain, hay, fruit, flowers, beverages, smallwares or other articles.

Provided that this shall not be deemed to apply to the sale of newspapers or magazines in a highway, or to the operations of any licensed refreshment vehicle in a highway, or to door-to-door or other persons lawfully selling from door-to-door. By-laws Nos. 10107, S.1(5); 85-67, S.1.

(11a) Notwithstanding subsection 11, the untravelled portion of a highway within that portion of the City of Hamilton that may be used for commercial or industrial purposes, may be leased or licensed to the owners or occupants of adjoining property for the purpose of establishing an outdoor cafe and the City may determine the consideration and terms and conditions of the lease or licence and may determine what constitutes an outdoor cafe. By-law No. 75-315, S.1.

16a. (1) No person shall erect or place or affix a sign or post a notice on property abutting on a defined highway or part of a highway. By-law No. 83-022, S.1.

(2) Every person who erects, places or affixes a sign or posts a notice contrary to subsection 1 shall upon written or oral notice forthwith pull down or remove the sign or notice. By-law No. 83-022, S.1.

(3) Notwithstanding subsection 1, the City may grant permission to erect, place or affix a sign or post a notice

upon such terms and conditions as the City may require, but nothing in this by-law shall oblige the City to grant such permission. By-law No. 83-022, S.1.

(4) For the purpose of this section,

(a) "building" includes structure;

(b) "defined highway" means a highway listed in City Traffic By-law No. 66-100 and in Regional Municipality of Hamilton-Wentworth By-law No. R 77-78, situate within the City;

(c) "local board" has the same meaning as in The Municipal Affairs Act;

(d) "person" includes the owner of the sign or notice, any individual or organization that has erected or caused to be erected, placed or affixed the sign or that has posted or caused to be posted the sign, or any individual or organization holding themselves out in the content of the sign or notice as sponsoring or responsible for the message therein;

(e) "property" means a building owned or used by the City, or local board, or used by any person on City land;

(f) "sign" does not include,

(a) a sign, advertising device or other device or apparatus within the meaning of section 5 of Traffic By-law No. 66-100; or

(b) a sign that is of a temporary nature and is free standing and on its own supports. By-law No. 83-022, S.1.

PENALTIES

17. Every person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine of not more than $2,000.00. By-laws Nos. 73-39, S.1; 79-106, S.4; 81-218, S.1.

REPEAL

18. The following by-laws are hereby repealed, namely:

(a) By-law No. 5789 Respecting Streets, passed on the 28th day of May, A.D. 1946, and all amendments thereto;

(b) By-law No. 8317 Respecting the Sale and Setting Off of Fireworks, passed on the 10th day of June, A.D. 1958, and all amendments thereto;

(c) By-law No. 8567 Prohibiting the Discharge of Firearms, passed on the 10th day of March, A.D. 1959, and all amendments thereto;

(d) By-law No. 48 of the Revised By-laws of 1910, Respecting sand and gravel pits, and all amendments thereto; and

(e) By-law No. 2380 of the Township of Barton To Regulate the Operation of Pits and Quarries, passed on the 30th day of June, A.D. 1958.

19. Every reference to By-law No. 9329 shall be a reference to this by-law.

20. The short title of this by-law is "The Streets By-law".

PASSED this 25th day of FEBRUARY A.D. 1986.

City Clerk Mayor

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